AMENDMENTS TO THE SPECIFICATION

Please amend the Specification of the Application as follows:

Please amend the paragraph that immediately follows the section title "CROSS REFERENCE TO RELATED APPLICATIONS" that begins on page 1 of the Application, as follows:

[0001] This application is a <u>continuation of co-pending United States Patent Application Serial No. 10/736,349, filed December 15, 2003, now Patent No. 7,477,682, which is a</u> continuation in part of United States Patent Application Serial No. 10/313,367 entitled "Multiple Data Rate Communication System" (Attorney Docket No. 14057US02 BP2616), filed December 6, 2002, which claims the benefit of the following United States Provisional Patent applications, the complete subject matter of each of which is hereby incorporated herein by reference, in its entirety: <u>With respect to the present application, Applicant hereby rescinds any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.</u>

Continuation of Appln. No. 10/736,349
Filed: December 15, 2003
Preliminary Amendment dated January 13, 2009

Please amend paragraph [0142] that begins on page 138 of the Application, as follows:

[00142]   Although the present invention has been described in relation to its use in the operation of the voice activity detection functionality of an echo canceller, a comfort noise estimator, and a packetization engine, the above discussion has been with regard to explanation, and is not intended to limit the scope of the present invention. An embodiment of the present invention may more accurately detect the occurrence of [[a]] speech signals in any of a number of application by using a signal characteristic such as, for example, the existence of spectral components outside the frequency band to be communicated. An embodiment of the present invention may also have application in other systems where the detection of a signal may be enhanced using various signal characteristics outside of the bandwidth to be communicated.